UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
EMERGENCY RESPONSE BRANCH
9311 GROH ROAD, ROOM 216
GROSSE ILE, MI 48138-1697

SEP 19 1996

REPLY TO ATTENTION OF:

MEMORANDUM

SUBJECT: ACTION MEMORANDUM - Request for a Time-Critical Removal Action at the J.E. Berger Site, Detroit, Wayne County, Michigan (Site ID #A537)

FROM: David L. Anderson, On-Scene Coordinator
Emergency Response Branch - Section 1 DLA 9-6-96

TO: William E. Muno, Director
Superfund Division

THRU: Richard Karl, Chief R. Karl
Emergency Response Branch

I. PURPOSE

The purpose of this memorandum is to request and document your approval to expend up to $630,270 to abate an imminent and substantial threat to public health and the environment posed by the presence of ignitable wastes and polychlorinated biphenyls (PCBs) in abandoned drums and electrical equipment at the J.E. Berger (JEB) site in Detroit, Wayne County, Michigan.

The response action proposed herein will mitigate threats to public health, welfare, and the environment posed by the presence of uncontrolled hazardous substances located at the site. Proposed removal actions include assessment of chemical hazards on the site, securing the site to prevent public access to waste streams, stabilization of the hazardous substances and materials, and removal and disposal of hazardous substances and materials on the site. Unrestricted access to hazardous substances and materials and repeated site trespassing and vandalism require that this removal be classified as time critical. The project will require an estimated 45 working days to complete.

This site is not on the National Priorities List.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID # MID 525 002 261

The J.E. Berger site is located at 5300 Bellevue Avenue, Detroit, Wayne County, Michigan. The geographical coordinates for the site are latitude 42° 22' 26.7" North and longitude 83° 01' 40.4" West. The JEB site consists of one abandoned industrial maintenance facility that is located within an approximately 50,000-square-foot portion of a building that shares common walls with separate warehousing operations within the complex. This complex covers four city blocks. The site is bordered on the north and south by adjacent warehouses, on the east by Concord Avenue, and on the west by Bellevue Avenue. Access to the JEB site is unrestricted; overhead doors to the warehouse are in poor condition and have panels missing. The roof has gaping holes, and access is possible via external ladders on the side of the building to PCB-contaminated electrical equipment and drum locations. The surrounding neighborhood has mixed residential, industrial, and commercial warehousing usage.

The J.E. Berger Company is a former operation that reconditioned industrial electrical components such as AC and DC motors, electrical control panels, transformers, and dynamometers. The JEB site was originally part of the Packard Motor plant. The J.E. Berger Company operated at this location from approximately 1958 to 1990 when the company was dissolved by the State of Michigan.

The United States Environmental Protection Agency (U.S. EPA) has had limited previous involvement with this site. The J.E. Berger Company conducted a voluntary cleanup of PCB-contaminated areas in outside storage yards and surrounding residential areas from approximately 1986 to 1988. The Michigan Department of Natural Resources (MDNR) oversaw this effort and approved final cleanup measures. MDNR file information indicates that this cleanup effort did address the loading docks of the facility; however, no further indication exists of a cleanup being conducted within the facility. Disposal of some heavily PCB-contaminated wood block flooring was also mentioned in the MDNR file information.

The JEB site came to the attention of the U.S. EPA through a referral from the Detroit Brownfields group which is comprised of representatives from several City and Michigan Department of Environmental Quality (formerly MDNR) departments. A request was made for additional information on environmental contamination and an evaluation of threat to human health and the environment based on historical information and the Brownfields group's efforts to promote development of the Packard Complex.

Tax records maintained by the State of Michigan indicate that the property is currently held in receivership due to lack of payment of back taxes. The redemption is reported to have elapsed on June 14, 1996.

The commercial/industrial neighborhood surrounding the JEB site has been identified by State and local governments as an area targeted for Brownfields redevelopment.

Continued State/local response activity at this site may include demolition of the existing structure due to the condition of the roof.

On April 15 and 22, 1996, U.S. EPA On-Scene Coordinator (OSC) David L. Anderson and the U.S. EPA's Superfund Technical Assessment and Response Team (START) conducted a site investigation at the JEB site. U.S. EPA identified 4 metal bins filled with PCB capacitors and approximately 50 steel and poly drums containing various oils and solvents. Large piles of debris (pallets, roofing materials, scrap metal, trash) and wood-block flooring are also present in the building. Oily, sludge-like grime also covers much of the flooring. Further inspection revealed that wood-block flooring remained in place in much of the building.

Samples collected for laboratory analysis tested positive for PCBs and ignitable liquids. The Toxic Substances Control Act (TSCA), 15 U.S.C. §§ 2601 et seq., defines standards for PCB cleanup and disposal under 40 CFR 700. Two samples contain PCBs over 800,000 parts per million (ppm): one was an oily sludge scraped from the floor next to staged drums the other was fluid from a capacitor. One additional sample of oily sludge from the floor tested over 1,300 ppm PCBs. Definitions located in 40 CFR 761.123 identify PCB levels over 500 ppm as a high concentration. The elevated levels of PCBs on site also exceed the TSCA/EPA policy cleanup levels of 25 ppm or 50 ppm (40 CFR 761.125). This same section describes high contact residential/commercial restricted and non-restricted access locations. 40 CFR 761.125(c)(3)(ii) requires that high concentrations PCB spills located in indoor locations with restricted access be decontaminated to 10 micrograms per 100 square centimeters. Wipe sample JEB29 from oil stains located outside the building also tested positive for PCBs at 57 micrograms per 100 square centimeters. 40 CFR 761.125(c)(4)(iii) requires that spills of this concentration be decontaminated to 10 micrograms per 100 square centimeters or decontaminated to below 100 micrograms per 100 square centimeters and encapsulated.

Two samples for flash point indicated results of 118 degrees Fahrenheit (° F) and 130° F. Regulations promulgated under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq., at 40 CFR 261.20 and 261.21 regulate a solid waste which exhibits the characteristic of ignitability as a hazardous waste with waste code D001. Under 40 CFR 261.21(a)(1), a liquid solid waste, other than an aqueous solution containing less than 24 percent alcohol by volume, with a flash point below 140° F exhibits the characteristic of ignitability.

III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the JEB site present an imminent and substantial threat to the public health, or welfare, and the environment and meet the criteria for a removal action as stated in the National Contingency Plan (NCP), Section 300.415, Paragraph (b)(2), specifically:

1) Actual or potential exposure to nearby populations, animals, or the food chain from hazardous substances or pollutants or contaminants;

U.S. EPA collected samples of oils from drums and capacitors and samples of solids from soil and wooden floor blocks. Analytical results showed elevated levels of PCBs. Sample JEB3, a grab sample of oily dirt from inside the JEB building, contained 390 milligrams per kilogram (mg/kg) of Arochlor 1242 and 1,000 mg/kg of Arochlor 1260 at levels of 1,000 mg/kg. Sample JEB6, a grab sample of oily soil collected adjacent to staged drums, contained 840,000 mg/kg of Arochlor 1016. Sample JEB7, a sample of oil drained from a small capacitor, contained 810,000 mg/kg Arochlor 1016. A number of the wipe samples collected demonstrated elevated PCB levels, as well, with concentrations up to 1,200 micrograms per 100 square centimeters. The wipe sample collected outside the building, JEB29, tested positive for PCBs above the 10 microgram cleanup target level cited in 40 CFR 761.125(c)(4)(iii), "Requirements for decontaminating spills in unrestricted access areas." Aloclor 1016, 1242, and 1260 are hazardous substances listed in Table 302 of the NCP, 40 CFR Part 300.

While the front entrance and overhead loading bay doors of the JEB building are locked, wooden panels in the overhead doors are regularly kicked in by vandals. This provides ready access to trespassers and children. In addition, sections of the building's roof are missing and could provide another point of access. This ease of access provides ample opportunity for exposure to hazardous materials by both humans and animals that enter the dilapidated building. The holes in the roof also provide an avenue for PCBs to volatilize to the outside air.

Vandals and individuals attempting to scavenge the building for saleable scrap would be at extreme risk of exposure by direct contact with PCBs. Trespassers and animals entering the building could track the contamination out into the surrounding residential neighborhoods upon leaving the JEB building.

During the site assessment, U.S. EPA observed evidence of the presence of transient or homeless people living and sleeping on the streets or seeking shelter in the building. Children have also been observed playing in this area. Such individuals are at severe risk of exposure through direct contact.

2) Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers that may pose a threat of release;

U.S. EPA identified numerous drums containing oils and other liquids throughout the JEB facility. The drums range in condition from good to poor, and several are missing bungs or entire lids. In addition, a limited number of capacitors were observed in the building. Analytical results indicate that at least a portion of these liquids are contaminated with PCBs and others are ignitable hazardous waste under the criteria set forth in 40 CFR § 261.21. As the drums and containers are not properly stored and are not securely sealed, they could be overturned, allowing the contents to spill. The numerous holes in the building's roof allow precipitation to enter in certain areas. Partially open drums stored in these areas could fill with rainwater and overflow to the ground.

Hazardous chemicals spilled within the building would increase the potential for direct exposure of individuals and animals entering the JEB facility. The potential also exists for spilled materials to enter the drain system within the building and, thereby, migrate off site.

3) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

As previously mentioned, the integrity of the roof of the JEB building is poor. As a result, precipitation readily enters the building causing water to collect on the floors and to enter several of the open drums. The addition of this precipitation could cause drum contents to overflow and be released to the environment. The holes in the roof also allow heating by direct sun and freezing winter temperatures to further degrade the integrity of the containers. Historic spills and poor housekeeping practices throughout the building have caused wood-block flooring to be oil soaked and stained and concrete floors to be saturated with oil. The introduction of rainwater and snowmelt to this material could cause it to be spread to other parts of the interconnected warehouses and out of the building to surrounding soils.

4) Threat of fire or explosion;

Two oil samples collected from 55-gallon drums in the main JEB warehouse exhibited the characteristic of ignitability by virtue of low flash points. The liquid contents of samples JEB21 and JEB25 exhibited flash points of 130° F and 118° F, respectively. Both of these values are below the regulatory level of 140°F set forth in 40 CFR § 261.21 for the characteristic of ignitability. Due to this characteristic, the contents of both of these drums could readily be ignited if exposed to sparks or flames by vandals or illegal scrappers. While other material sampled did not meet the characteristic definition of ignitability, the materials would serve as fuel to sustain a fire once ignited. Because the warehouses are largely interconnected, any fire that broke out at the JEB

site would spread to warehousing areas of adjacent or nearby businesses and endanger scores of people and millions of dollars worth of property.

IV. ENDANGERMENT DETERMINATION

Given the site conditions, the nature of the suspected hazardous substances on site, and the potential exposure pathways described in Sections II and III above, actual or threatened releases of hazardous substances from this site, if not addressed by implementing the response actions selected in this Action Memorandum, may presentan imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

The OSC proposes to undertake the following actions to mitigate threats posed by the presence of hazardous substances at the JEB site:

1) Develop and implement a site-specific workplan, including a proposed timeline;

2) Develop and implement a site-specific health and safety plan;

3) Provide site security measures which may include, but not be limited to, security guard service, fencing, and window board-up services;

4) Secure, stage, sample, and characterize all site wastes in drums and other containers;

5) Overpack and secure leaking and deteriorated drums and containers;

6) Remove all remaining wood-block flooring and dispose if necessary;

7) Remove and dispose of non-hazardous debris in order to facilitate decontamination of building floors and walls;

8) Fully characterize and identify contamination external to the facility (according to a QAPP). See above. Decontaminate (or encapsulate residual contamination as appropriate) external impervious surfaces and remove and dispose of external non-impervious substances.

9) Decontaminate building walls, floors and ceilings, and sample to verify that the structure(s) have been cleaned to acceptable levels.

10) Transport and dispose of all hazardous substances, pollutants and contaminants at an U.S. EPA-approved disposal facility as appropriate for the materials to be disposed of and in accordance with the U.S. EPA's Off-Site Rule (40 CFR § 300.440).

The OSC has initiated planning for provision of post-removal site control consistent with the provisions of Section 300.415(k) of the NCP. However, this removal action is anticipated to eliminate all ignitable and PCB-contaminated wastes leaving a clean building that will require no post removal site controls.

The detailed cleanup contractor cost estimate is presented in Attachment 1 and estimated project costs are summarized below:

REMOVAL PROJECT CEILING ESTIMATE

EXTRAMURAL COSTS:

Cleanup Contractor	$358,500
Contingency (15%)	53,775
Subtotal	$412,275
USCG/AST	$20,000
Total START	$56,200
Extramural Subtotal	$488,475
Extramural Contingency (20%)	$ 97,695
TOTAL EXTRAMURAL COSTS	$586,170

INTRAMURAL COSTS:

U.S. EPA Direct Costs $30 X (450 Regional Hours)+45 HQ Hours	$14,850
U.S. EPA Indirect Costs $65 X (450 Regional Hours)	$29,250
TOTAL INTRAMURAL COSTS	$44,100
TOTAL REMOVAL PROJECT CEILING ESTIMATE	$630,270

The response actions described in this memorandum directly address the actual or threatened release at the site of a hazardous substance, or of a pollutant, or of a contaminant which may pose an imminent and substantial endangerment to public health or welfare or to the environment. These response actions do not impose a burden on affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

Applicable or Relevant and Appropriate Requirements

All ARARs will be complied with to the extent practicable. U.S. EPA sent a letter to John Russell, MDEQ, on June 4, 1996, requesting that the MDEQ identify State ARARs. A response, dated July 9, 1996, was received that provided generic clean-up criteria that is employed by the MDEQ. Any additional State ARARs identified in a timely manner for this removal action will be complied with to the extent practicable. All RCRA hazardous wastes (ignitable liquids) will be disposed of at an approved RCRA disposal facility. All PCB-contaminated materials will be disposed of at an approved TSCA facility.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Continued risk to public health and the environment will result if no or delayed action ensues.

VII. OUTSTANDING POLICY ISSUES

None

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this site is contained in the Enforcement Confidential Addendum. No viable potentially responsible parties have been identified at this time for the proposed removal action at the J.E. Berger site.

IX. RECOMMENDATION

This decision document represents the selected removal action for the JEB site, located in Detroit, Wayne County, Michigan, developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based upon the Administrative Record for the site. Conditions at the site meet the NCP Section 300.415(b)(2) criteria for a removal, and I recommend your approval of the proposed removal action. The total project ceiling, if approved, will be $630,270. Of this, an estimated $509,970 may be used for cleanup contractor costs. You may indicate your decision by signing below.

APPROVE: _____ DATE: 9/19/96
Director, Superfund Division

DISAPPROVE: _____ DATE: _____
Director, Superfund Division

Enforcement Addendum
Attachments
1. Detailed cleanup Contractor Cost Estimate
2. Administrative Record Index

cc: E. Watkins, U.S. EPA HQ, 5202-G
D. Henne, U.S. Department of the Interior
A. Howard, MDEQ, ERD

bcc: A. Baumann, SRT-5J
J. El-Zein, SE-GI
R. Karl, SE-5J
W. Messenger, SE-5J
L. Fabinski, ATSDR, ATSD-4J
T. Lesser, P-19J
D. Anderson, SE-5J
M. Gonzalez, C-29A
ERB Read File (C. Beck), SE-5J
ERB Delivery Order File (C. Norman), SE-5J
ERB Site File (A. Matlak, SF Central File Room), SMR-7J
Contracting Officer, MCC-10J
M. Bensing, SE-5J

ENFORCEMENT ADDENDUM
SEPTEMBER 1996
2 PAGES

HAS BEEN REDACTED

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

ATTACHMENT 1

DETAILED CLEANUP CONTRACTOR ESTIMATE
2 PAGES

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ATTACHMENT 2

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR
J. E. BERGER SITE
DETROIT, MICHIGAN

ORIGINAL
SEPTEMBER 11, 1996

No.	Date	Author	Recipient	Title/Description	Pages
1	08/30/88	Monroe, B., Michigan Department of Natural Resources	Canosa, D., J.E. Berger Corporation	Letter re.: Report on Inspection to Determine Compliance with Directives to Cleanup PCB Contaminated Areas w/Attachments	10
2	02/15/96	Powers, R., U.S. EPA	El-Zein, J., U.S. EPA	Letter re.: Request for Further Information on Contamination Levels Remaining at the J.E. Berger Site	2
3	06/04/96	Anderson, D., U.S. EPA	Russell, J., Michigan Department of Environmental Quality	Letter re: Requesting Applicable or Relevant and Appropriate Requirements for the J.E. Berger Site, Detroit, MI	1
4	07/02/96	Harris, R., Michigan Department of Natural Resources	Gonzalez, M., U.S. EPA	Letter and Certificate re.: Consent to Enter State Own Property	2

No.	Date	Author	Recipient	Title/Description	Pages
5	07/09/96	Russell, J., Michigan Department of Environmental Quality	Anderson, D., U.S. EPA	Letter re.: Answer to Request for Applicable or Relevant and Appropriate Requirements for the Berger Electric Site, Detroit, MI, et al, w/Attachments: 1) MDEQ Environmental Response Division Operational Memo #8, Revision 4, June 5, 1995 and Memo #14, Revision 2, June 2, 1995 w/Draft Addendum, May 14, 1996 2) Part 201, Natural Resources and Environmental Protection Act	126
6	08/31/96	Ecology & Environment, Inc.	U.S. EPA	Site Assessment Report for J. E. Berger Site, Detroit, MI	64
7	09/19/96	Anderson, D., U.S. EPA	Muno, W., U.S. EPA	Action Memorandum: Request for a Time-Critical Removal Action at the J. E. Berger Site, Detroit, MI	16